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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/657,719	09/08/2000	Kevin E. Mahaffy	AAI-002	2832
36822	7590	01/18/2005	EXAMINER	
GORDON & JACOBSON, P.C. 60 LONG RIDGE ROAD SUITE 407 STAMFORD, CT 06902			CUFF, MICHAEL A	
			ART UNIT	PAPER NUMBER
			3627	

DATE MAILED: 01/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/657,719

Applicant(s)

MAHAFFY ET AL.

Examiner

Michael Cuff

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 and 49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-40 and 49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-40 and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pickering in view of Edge work group.

Pickering shows all of the limitations of the claims except for specifying AI routines; separate buildings for the human response system; specific video display animations, characters or advertisements; the use of VoIP; and specific communications between computers (ie wireless or computer A communicates to computer B).

Pickering shows an end-of-utterance determination for voice processing system. Telephone network 110 is the input for a voice processing system 145. The background discusses using a system like this to order a pizza (restaurant application, which also makes it a CIT receiving verbal instructions.) The voice processing system includes a natural language understanding unit (NLU) 245. From column 2, lines 22-23, "These units have knowledge of grammar and syntax, which allows them to parse a caller response, ..." The system also includes a ViaVoice unit. The top of column 9 describes that when the system has a problem, it goes back to step 510 or may take some other action such as transferring the caller to a human operator (human-controlled

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response system) The network environment shown in figure 1 is suitable for modular (separate building) communication.

Edge work Group article "One Voice Technologies Announces Strategic Relationship with IBM", dated October 18, 1999, shows One Voice's patent pending IVIT provides a layer of AI that understands advanced linguistic concepts such as topic, subject, and synonym. The integration of IBM's ViaVoice speech recognition engine and One Voice's upcoming IVAN application will forever change the way people interact with their computers and the Internet. "By adding a layer of AI to IBM's powerful speech recognition technology, One Voice's IVIT enhances and simplifies computer and Internet interaction."

Based on the teaching of Edge work group, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to modify Pickering system to incorporate a layer of AI in order to understand advanced linguistic concepts such as topic, subject, and synonym.

The examiner takes official notice that the video displays, applications, protocols, and communication connections are well known in the art and that one of ordinary skill in the art would make use of these standard items in order to take advantage reliable off-the-shelf items.

Based on the discussion above, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to modify Schneider system to incorporate specific video display animations, characters or advertisements; the use of

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VoIP; and specific communications between computers (ie wireless or computer A communicates to computer B) in order to take advantage reliable off-the-shelf items.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Cuff whose telephone number is (703) 308-0610. The examiner can normally be reached on 8:00 to 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on (703) 308-5183. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

 1/10/05
Michael Cuff
January 10, 2005